



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,049	02/14/2001	James B. Pritchard	PRIT01-00001	9634

36291 7590 05/04/2005

STEVEN W. SMITH
7237 BIRCHWOOD DRIVE
DALLAS, TX 75240

EXAMINER

STULBERGER, CAS P

ART UNIT PAPER NUMBER

2132

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/783,049

Applicant(s)

PRITCHARD ET AL.

Examiner

Cas Stulberger

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/09/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: application, filed 02/14/2001; amendment filed 12/09/2004.
2. Claims 1-41 are pending in the case. Claims 20-21 are cancelled. Claims 1, 11, 12, 22, 30, and 38, are independent claims.

Response to Amendment

3. Applicant argues that “the user device inserts the predetermined time interval between the entry event and the terminating signal, and thus is entirely different from Young, which measure time intervals as a user enters the password into the user device.” In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the user device inserts the predetermined time interval between the entry event and the terminating signal) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
4. Applicant argues that “Young verifies the user to the user device, not the user device to a network.” In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., verifying a user device to a network) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claims do

not disclose authenticating a user device not authentication a user. The claims only disclose entering a password and comparing the time interval to a predetermined stored time interval.

5. Applicant argues that “the password is transmitted in a single burst after the user has typed in the complete password.” This is known in the art that after the user has typed the password they either hit enter or a button is selected which sends transmits the password. Young also discloses that if a feature is based on a predefined number of keystrokes, the feature extraction method waits till that string of keystrokes is collected (Young: column 12, lines 45-48).

6. Applicant argues that “the user device, not the user separates each of the characters from adjacent characters by a predefined time interval.” This feature is known in the art and is inherent in keyboards. Each key has a specific timing pattern designating it for other keys. There is a start and stop signal in the timing pattern as well. This feature is inherent in keyboards. This meets the limitation of “the user device separates each of the characters from adjacent characters by a predefined time interval.”

7. Applicant argues that the combination of Young and Kung is not proper because it would be to inefficient. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, however, it would be possible to gather the timing interval data locally as

disclosed by Young but send the data to the logon server as disclosed by Kung where the template data could be stored. It would be obvious to combine Young with Kung in order to access a remote host without the additional requirement of inputting a user ID and password of the remote host computer (Kung: column 4, lines 46-48)..

In view of the rejections and response to arguments above, the prior art rejections are maintained. The grounds of rejection as set forth in the previous office action is reproduced below.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,805,222 to Young et al in view of U.S. Patent No. 5,241,594 to Kung.

10. In regards to claims 1, 3, 6-8, 11, 12, 14-15, 20, 22-25, 30, 33-37, and 38, Young discloses the word Login as an example of a user password in figure 1. Young discloses the differences between the time, which may be called, keystroke dynamics and represent the different time patterns which are derived from an individual's typing (Young: column 4, lines 3-

18). Each letter typed in the password in figure 1 meets the limitation of “a password segment.” The actual letter meets the limitation of “a predetermined entry signal” and the time between the key depressions meets the limitations of “a predetermined time interval following said entry even; and a terminating signal follow said predetermined time interval.” (Young: Figure 1). The security access monitor stores the time periods and the number of characters in the character string being analyzed. The actual characters in the character string may also be stored (Young: column 2, lines 53-67).

11. Young does not disclose an online connection to determine whether the password attempt from the online connection matches the stored password. Kung discloses a server that controls access to the entire distributed system (Kung: Abstract). The user establishes communications with the server from the workstation and the user ID and password is authenticated (Kung: column 4, lines 34-37). This meets the limitations of “an online connection to determine whether the password attempt from the online connection matches the stored password.”

12. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modified the system of authentication with a password as disclosed by Young with the method of authentication with a password between a server and computer as disclosed by Kung in order to access a remote host without the additional requirement of inputting a user ID and password of the remote host computer (Kung: column 4, lines 46-48).

13. In regards to claims 2, Young discloses that if the difference between the creator’s keystroke dynamics and the claimant’s keystroke dynamics is beyond permissible amounts,

referred to as “thresholds,” the system may deny access to the computer (Young: column 3, lines 1-15).

14. In regards to claims 4, Young discloses that the password consists of alphanumeric characters (Young: column 2, lines 27-29).

15. In regards to claims 5, 9, 10, 13, 16-19, 21, 23, 26-29, 31-32, 39, 41, Young discloses measuring the time interval from the edge of a first entry event to the trailing edge of a next second entry event (Young: figure 1).

16. In regards to claim 40, Young discloses after logging on the system retrieves the template (Young: column 8, lines 54-55)..

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2132

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

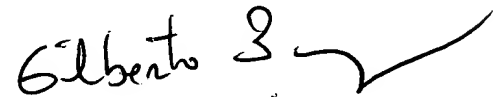
18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cas Stulberger whose telephone number is (703) 305-8034. None. The examiner can normally be reached on Monday - Friday, 9:00A.M. - 5:00P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications, (703) 746-7240 for drafts, and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

CS

CS
April 29, 2005



GILBERTO BARRON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100